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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,820	02/05/2004	Andy T. Nguyen	X-1493 US	5970
24309	7590	10/06/2005	EXAMINER	
XILINX, INC ATTN: LEGAL DEPARTMENT 2100 LOGIC DR SAN JOSE, CA 95124			TON, MY TRANG	
			ART UNIT	PAPER NUMBER
			2816	

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No. 10/772,820	Applicant(s) NGUYEN, ANDY T.	
	Examiner My-Trang N. Ton	Art Unit 2816	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-14 is/are allowed.
- 6) ☒ Claim(s) 1-9 and 15-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.


Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


MY-TRANG NUTON
PRIMARY EXAMINER

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/5/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 and 15-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Deas et al (U.S Patent No. 6,642,764).

Deas et al disclose in fig. 1 a high precision receiver with skew compensation including:

first and second multi-bit circuit input terminals (Vinput, Vref);

a comparator circuit (10) having a first multi-bit input terminal (15), a second multi-bit input terminal (13) coupled to the second circuit input terminal (Vinput), and an output terminal (11);

a multiplexer circuit (23) having a first data input terminal (26) coupled to the first circuit input terminal (Vref), a second data input terminal (27), a select terminal (28) coupled to the output terminal (11) of the comparator circuit (10), and an output terminal (31) coupled to the first input terminal (15) of the comparator circuit (10); and

a first adder circuit (22) coupled between the first circuit input terminal (Vref) and the second data input terminal of the multiplexer circuit (23) as recited in claim 1.

Regarding claim 2: a second adder circuit (inherent seen as 24-, inside 22) coupled between the first circuit input terminal (Vref) and the first data input terminal of the multiplexer circuit (23).

Regarding claim 3: the first adder circuit comprises a subtractor (22).

Regarding claim 4. the first adder circuit comprises an adder (22).

Regarding claim 5: a first overflow prevention circuit (30) coupled between the output terminal (11) of the comparator circuit (10) and the select terminal (28) of the multiplexer circuit (23), the first overflow prevention circuit (30) having an additional input terminal coupled to the first circuit input terminal (inherent seen coupled to Vref via 22, 23, 10).

Regarding the limitation recited in claims 6-9: because the claimed structure is fully met by Deas et al, thus, the recited function or result limitations for the comparator circuit recited in claims 6-9 will necessarily be inherent in Deas et al, as held by the court in In re Best, 195 USPQ 430.

The method recited in claims 15-23 are inherent to the operation of the high precision receiver circuit of the Deas et al.

Allowable Subject Matter

Claims 10-14 are allowable over the prior art of record. None of the prior art disclosed or suggested to show the particular structure and/or the particular operation recited in these claims namely: the combination of "a counter circuit", "first – second subtractors", "first – second multiplexers", "a comparator circuit" and "a phase shifter" as recited in claim 10.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to My-Trang N. Ton whose telephone number is 571-272-1754. The examiner can normally be reached on 7:00 a.m - 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Callahan can be reached on 571-272-1740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



My-Trang N. Ton
Primary Examiner
Art Unit 2816

September 30, 2005